

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

ZF MERITOR LLC and MERITOR  
TRANSMISSION CORPORATION,

Plaintiffs,

v.

Civ. No. 06-623-SLR

EATON CORPORATION,

Defendant.

O R D E R

At Wilmington this \_\_\_\_\_ day of \_\_\_\_\_ 2007, the parties having satisfied their obligations under Fed. R. Civ. P. 26 (f), and the court having conducted a pretrial scheduling conference pursuant to Fed. R. Civ. P. 16 and D. Del. LR 16.2(a) and (b).

IT IS ORDERED that:

1. **Pre-Discovery Disclosures.** The parties have exchanged the information required by Fed. R. Civ. P. 26(a)(1) and D. Del. LR 16.2.

2. **Discovery.**

(a) Discovery will be needed on the following subjects: Plaintiffs' liability and damages claims and Defendant's defenses thereto, including any affirmative defenses.

(b) All merits discovery shall be commenced in time to be completed by August 15, 2008.

(c) Maximum of 50 interrogatories by plaintiffs and 50 interrogatories by defendant.

(d) Maximum of 30 requests for admission by plaintiffs and 30 requests by defendant (excepting requests for authentication of documents).

(e) Maximum of 40 fact depositions by plaintiffs and 40 by defendant.

(f) Each fact deposition shall be limited to a maximum of 7 hours unless extended by agreement of parties.

(g) All expert discovery shall be commenced in time to be completed by November 14, 2008.

(h) Reports from retained experts under Rule 26(a)(2) on issues for which any party has the burden of proof due by September 15, 2008. Rebuttal expert reports due by October 15, 2008.

(i) **Discovery Disputes.**

(1) The court shall conduct an in-person discovery status conference on September 11, 2007 at 4:30 p.m., the time to be allocated equally among the parties. **No motions to compel or motions for protective order shall be filed absent approval of the court.**

(2) The court shall remain available to resolve by telephone conference disputes that arise during the course of a deposition and disputes over the terms of a protective order.

(3) Absent express approval of the court following a discovery conference, no motions pursuant to Fed. R. Civ. P. 37 shall be filed.

**3. Joinder of other Parties and Amendment of Pleadings.**

All motions to join other parties and amend the pleadings shall be filed on or before August 15, 2007.

**4. Settlement Conference.** Pursuant to 28 U.S.C. § 636, this matter is referred to a Magistrate Judge for the purposes of exploring ADR.

**5. Summary Judgment Motions.** All summary judgment motions shall be served and filed with an opening brief on or before December 15, 2008. Briefing shall be pursuant to D. Del. LR 7.1.2. No summary judgment motion may be filed more than **ten** (10) days from the above date without leave of the court.

**6. Oral Argument.** Oral argument on all summary judgment motions shall be held on February 20, 2009 at 9:30 a.m. in courtroom 6B, sixth floor Federal Building, 844 King Street, Wilmington, Delaware.

**7. Applications by Motion.** Any application to the court shall be by written motion filed with the clerk. Unless otherwise requested by the court, counsel shall not deliver copies of papers or correspondence to chambers. **Any non-dispositive motion should contain the statement required by D. Del. LR 7.1.1.**

8. **Motions in Limine.** No motions in limine shall be filed; instead the parties shall be prepared to address their evidentiary issues at the pretrial conference and during trial (before and after the trial day).

9. **Pretrial Conference.** A pretrial conference will be held on May 21, 2009 at 4:30 p.m. in courtroom 6B, sixth floor Federal Building, 844 King Street, Wilmington, Delaware. The Federal Rules of Civil Procedure and D. Del. LR 16.4 shall govern the pretrial conference.

10. **Trial.** This matter is scheduled for a 15-20 day jury trial commencing on June 1, 2009 in courtroom 6B, sixth floor Federal Building, 844 King Street, Wilmington, Delaware. For purposes of completing pretrial preparations, the parties should plan on being allocated a total number of hours in which to present their respective cases.

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United States District Judge